

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Southern California Water Company for a Certificate of Public Convenience and Necessity Pursuant to Public Utilities Code Section 1001 to Construct an 8.4 MW Natural Gas-Fueled Generator Facility in its Bear Valley Electric Service Division.

Application 02-04-001  
(Filed April 4, 2002)

**SCOPING MEMO AND RULING  
OF ASSIGNED COMMISSIONER**

**Summary**

The ruling sets forth the procedural schedule, assigns a principal hearing officer, and addresses the scope of the proceeding. This ruling follows a prehearing conference (PHC) held October 23, 2002, pursuant to rules 6(a) and 6.3 of the Commission's Rules of Practice and Procedure.

**Background**

On April 4, 2002, Southern California Water Company (SCWC) filed Application (A.) 02-04-001 (Application) requesting a certificate of public convenience and necessity (CPCN) pursuant to Section 1001 of the Public Utilities Code to construct an 8.4 megawatt (MW) natural gas-fueled generator facility on a portion of its Bear Valley Electric (BVE) Service division property in the City of Big Bear Lake.

On April 22, 2002, the Commission issued Resolution ALJ-176-3086 which among other things, preliminarily determined that this proceeding should be categorized as ratesetting and that a hearing should be expected.

On May 6, 2002, Southern California Edison Company (Edison), filed a response and request to intervene;<sup>1</sup> and on May 8, 2002, the Office of Ratepayer Advocates (ORA) protested the Application (Protest) and requested that SCWC respond to certain matters in its Application. On September 4, SCWC submitted prepared testimony in response to ORA's Protest. At the PHC, ORA indicated that SCWC's prepared testimony did not respond to all of the issues raised in ORA's Protest, and therefore ORA intends to file testimony. Edison indicated it does not plan to file testimony, unless certain litigation between Edison and SCWC becomes material to the Application. A schedule for filing testimony and rebuttal testimony was established.

### **Presiding Officer**

Administrative Law Judge (ALJ) Bruce DeBerry is designated as the principal hearing officer (Rule 5(k) and 6(c)(1)).

### **Category, Need for Hearing, and Scope of Proceeding**

Pursuant to Rule 6(a)(3), I affirm the Commission's preliminary determination in ALJ- 1765-3086 that this is a ratesetting proceeding and that hearings are required.

The scope of this proceeding is to determine whether to grant SCWC's request for a CPCN pursuant to Section 1001 of the Public Utility Code to construct an 8.4 MW natural gas-fueled generator facility on a portion of its BVE office property in the City of Big Bear Lake. In considering whether to grant the

CPCN, this proceeding will examine if there are available alternatives, and the impact of the proposed generation facility on rates. The proceeding will also determine that the proposed generation plant, or other available alternative, meets the requirements of the California Environmental Quality Act.

### **Schedule**

ALJ DeBerry proposed a schedule for the filing of testimony and rebuttal testimony at the PHC. I have added dates for the evidentiary hearings, and opening and reply briefs resulting in the following adopted schedule:

Scoping Memo	November 5, 2002
Opening Testimony by Other Parties Due	January 15, 2003
Rebuttal Testimony Due	January 29, 2003
Evidentiary Hearings	February 13, 14, 2003
Opening Briefs Due	March 3, 2003
Reply Briefs Due and Projected Submission	March 17, 2003

In no event shall a final decision be issued any later than 18 months from the date that the Application was filed.

### **Ex Parte Communications and Reporting Requirements**

This ruling determines that hearings are required in this proceeding. Therefore, *ex parte* communications are permitted consistent with the restrictions set forth in Rule 7(c), and subject to the reporting requirements set forth in rule 7.1.

### **Service List and Electronic Distribution of Pleadings**

The current service list for this proceeding is attached to this ruling. A current service list for this proceeding is also available on the Commission's

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<sup>1</sup> Edison's request to intervene was granted June 13.

web page, [www.cpuc.ca.gov](http://www.cpuc.ca.gov). Choose “Service Lists” on the “Quick Links” bar. The service list for this proceeding can be located in the “Index of Service Lists” by scrolling to the application number.

In addition to the required service (per Rule 2.3), all parties are encouraged to distribute all pleadings and testimony in electronic form to those parties that provided an electronic mail address to the Commission. The electronic addresses of all parties to the proceeding can be found in the comma-delimited service list file. Choose the application number and click on “Download Comma-delimited File.”

Therefore, **IT IS RULED** that:

1. This is a ratesetting proceeding.
2. ALJ Bruce DeBerry is designated as principal hearing officer.
3. Absent settlement, this matter is expected to go to hearing.
4. The issues to be addressed are established in this Ruling.
5. The schedule will be as set forth in this Ruling.
6. The *Ex Parte* rules as set forth in Rule 7(c) of the Commissions Rules of Practice and Procedure apply to this proceeding.
7. The official service list as of this date is attached to this Ruling. Parties shall serve all filings on those on the then-current service list, including those identified as “State Service,” but not including those identified as “Information Only.” The Commission will serve all rulings and orders on the entire list, including those listed as “Information Only.”

Dated November 5, 2002, at San Francisco, California.

/s/ Michael R. Peevey

Michael R. Peevey  
Assigned Commissioner

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner on all parties of record in this proceeding or their attorneys of record.

Dated November 5, 2002, at San Francisco, California.

/s/ Antonina V. Swansen

Antonina V. Swansen

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.